

### REMARKS

The Office Action of June 29, 2006, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claim 11 was rejected under 35 U.S.C. § 112, second paragraph. Claims 1-5 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Bayer* (U.S. Published Application No. 2004/0204725), hereinafter *Bayer*. Claims 6-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bayer* in view of *Haber et al.* (U.S. Patent No. 5,282,806).

Claim 11 has been amended as suggested by the Examiner. Accordingly, Applicant submits the rejection under Section 112 has been obviated.

As set forth above, claim 1 as amended and newly added claim 12 recite that the at least one manipulator fork is extendable through said cone portion.

In contrast, *Bayer* upon which the Examiner relies, discloses a blunt tip 100 which must be extended and/or rotated relative to the endoscopic barrel in order to permit ligating instrument 132 to access the vessel 210. As such, ligating instrument 132 does not extend through the blunt tip 100.

Still further, claim 1 has been amended to clarify the relative positioning of the cone portion and the at least one manipulator fork. More particularly, claim 1 has been amended to recite that said cone portion includes at least one fork recess in the distal exterior surface for receiving the at least one manipulator fork when in a retracted position. The presence of the recess in the distal exterior surface of said cone portion allows the cone portion to maintain the contoured profile during

placement and to then utilize the manipulator fork without having to remove the cone portion.

In contrast, the blunt tip 100 of *Bayer* includes a notched portion 120 which is on the proximal, or interior side of the tip 100. The notched portion 120 is dimensioned to facilitate cradling, orientation and positioning or grasping of the vessel 210 during ligation. *Bayer* does not disclose any type of recess on the distal surface of the blunt tip 100.

### CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicants regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:

  
Wendi L. Weinstein  
Registration No. 34456

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620